

**MINUTES OF THE CITY COMMISSION MEETING  
JUNE 28, 2004**

The City of Leesburg Commission held a regular meeting Monday, June 28, 2004, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian  
Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Mayor David Knowles

Also present were City Manager (CM) Ron Stock, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Commissioner Christian gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
JUNE 14, 2004**

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Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held June 14, 2004. Commissioner Christian seconded the motion and it carried unanimously.

**PRESENTATIONS**

Electric and Gas Director (EGD) Lloyd Shank presented service awards to Jackson Rogers, Jr. for twenty-five years in the Gas Department; and Jody Williams for fifteen years in the Electric Department

Finance Director (FD) Bill Pfeilsticker presented a clock to Madge Ogilvie in honor of her retirement after 35 years of service to the City.

**HEARD PRESENTATION ON THE MARTINEZ PLAN BY LAKE COUNTY SCHOOL  
BOARD MEMBER SCOTT STRONG**

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Scott Strong, Lake County School Board District 2, presented the Martinez Plan and resolution for discussion and possible adoption. The School Board passed a resolution adopting the plan February 15, and signed the plan March 8. The Martinez Plan is designed to help alleviate the overcrowding in schools by considering the capacity of the local school system when planning subdivisions. The City of Leesburg has the ability to be a leader in this program.

Commissioner Perry stated when a development comes in and there is not enough capacity in the school, the School Board must provide room for new students, not the City. Mr. Strong stated with this plan, the City has the ability to control the increased density of the subdivision and thus control the number of new students. Mr. Strong stated the School Board is required by law to provide the capacity for new students.

This plan is being introduced tonight as a proactive measure. It is the School Board's responsibility to bring this plan to the City and it is the City's responsibility to write and adopt an ordinance accepting the plan. This will help Leesburg continue as a quality city.

## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

Mayor Knowles stated the plan needs to go to Community Development for further review before being brought to the Commission for approval. Mr. Strong requested being allowed to return when the item comes before the Commission for approval.

### **HEARD PRESENTATION ON WATER AND WASTEWATER BY ENVIRONMENTAL SERVICES DIRECTOR (ESD) RAY SHARP**

ESD Ray Sharp presented a modified version of a water and wastewater presentation he recently gave at the Bond Rating Meeting in New York. A copy of the presentation is attached. He reviewed the service areas for water and wastewater and the number of connections and people the City expects to serve within the next 20 years. Significant increases are expected in the next 20 years. ESD Sharp stated Leesburg is in a unique position in that it owns, operates, and controls the wastewater sites.

Commissioner Lovell left the room at 6:06 p.m. and returned at 6:07.

Commissioner Lovell questioned why the City is not proceeding with furnishing water to golf courses. ESD Sharp stated Arlington Ridge will be using reuse water on their golf course. Currently, the limitation is held up by the conversion of the Canal Street plant into producing reuse water.

### **CONSENT AGENDA:**

Pulled – B-3 (Customs at Airport)

Commissioner Perry moved to approve the items on the Consent Agenda with the exception of B-3 and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

### **PURCHASING ITEMS:**

Electronic hardware for Redundant Fiber Ring for the MIS Dept for use by Police & Electric Depts and City Hall awarded to PC Mall for \$46,985.28.

LB-04-27 Complete construction of a Gas Gate Station for the Gas Dept awarded to MarieCo, Inc. for \$32,568.00.

### **RESOLUTIONS:**

#### **RESOLUTION 7154**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with MarieCo, Inc. to complete construction of a gate station for the City of Leesburg Gas Department pursuant to Bid LB-04-27; and providing an effective date.

## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

### **RESOLUTION 7155**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with the State of Florida to become a member of the Florida Unified Certification Program; and providing an effective date.

### **RESOLUTION 7156**

A resolution of the City Commission of the City of Leesburg, Florida designating David Knowles, Mayor, as the voting delegate to represent the City of Leesburg at the Florida League of Cities 2004 Annual Conference; providing an effective date.

### **OTHER AGENDA ITEMS:**

1. BPCA of \$17.50 per 1,000 kWh for July 2004
2. Monthly Financial Report for May 2004
3. Appropriate forfeiture funds to purchase an outdoor advertising sign in support of the Leesburg High School Athletic Booster Club
4. Appropriate forfeiture funds to support the Lake & Sumter Counties Boys & Girls Club AAU Girls' Basketball Team

### **PULLED INTRODUCTION OF A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING FOR CUSTOMS SERVICES**

CM Stock stated negotiations with the City of Ocala and The Villages of Lake-Sumter, Inc. regarding customs services are on-going. This resolution will be brought back for approval at a later time.

### **PUBLIC HEARINGS:**

### **ADOPTED ORDINANCE 04-36 ACCEPTING AN UTILITY EASEMENT FROM MIDDLESEX LLC FOR PROPERTY ON THOMAS AVENUE TO ALLOW INSTALLATION OF A WATER MAIN**

CC Richardson read the ordinance as follows, by title only:

An ordinance of the City of Leesburg, Florida, accepting an utility easement from Middlesex, LLC, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 16, Township 19 south, Range 24 east; Lake County, Florida; and providing an effective date

Commissioner Perry moved to approve the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

### **TABLED JOANNE L. NEUMAN REVOCABLE FAMILY TRUST ANNEXATION AND COMP PLAN CHANGE UNTIL THE JULY 12, 2004 CITY COMMISSION MEETING**

CM Stock requested the Commission table these items as proper documentation has not been received for the annexation or comprehensive plan change.

Commissioner Perry moved to table this item until the July 12, 2004 City Commission Meeting. Commissioner Lovell seconded the motion and it passed unanimously.

### **ADOPTED ORDINANCE 04-37 AMENDING THE BUDGET FOR THE GENERAL, CDBG, AND WATER FUNDS**

CC Richardson read the ordinance as follows, by title only:

An ordinance of the City Commission of the City of Leesburg, Florida amending the fiscal year 2003-04 budget for the General, CDBG, and Water funds, and providing an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-38 ADDING §22-166 TO THE CODE OF ORDINANCES PROVIDING FOR AUTOMATIC ADJUSTMENTS TO THE ELECTRIC, GAS, WATER, WASTEWATER AND REUSE WATER UTILITY RATES AND CHARGES**

CC Richardson read the ordinance as follows, by title only:

An ordinance of the City of Leesburg, Florida adding §22-166 to the Code of Ordinances pertaining to utility rates and charges; setting forth legislative findings; providing for automatic annual adjustments to utility rates based on the gross domestic product implicit price deflator index; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Christian seconded the motion.

Commissioner Perry stated he opposes this ordinance as the timing for increasing rates is not good. The BPCA rate has almost tripled in the past few months. This increase is adding insult to injury.

Commissioner Lovell stated he agrees with Commissioner Perry, but knows this must be done as the City has been negligent in raising rates in the past. The A bond rating was given to the City based on the assurance the City will keep abreast of rising costs.

## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

Commissioner Christian questioned if this is the recommendation given by the consultants. CM Stock stated the recommendation was from RW Beck.

Don Lukich, resident and utility user, urged the Commission to not pass this ordinance. He stated rates should be adjusted according to cost. The City Commission should not lose control of this by having it automated. This will cause a loss of incentive for the management of these departments to keep costs down.

FD Pfeilsticker stated the rate adjustment can go up or down and is not based on the cost of living, but based solely on the cost of energy. Commissioner Perry mentioned the increase in the BPCA rate was supposed to cover the increased cost of energy. FD Pfeilsticker noted the flaw in this is that the BPCA adjustment is after the fact or after the increases are made. The BPCA is also based on projections for the next 24 months and thus is very inaccurate. The rate analysis by RW Beck will show how costs can be reduced through restructuring. Automatic adjustments are common.

The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	No
Commissioner Puckett	No
Commissioner Christian	Yea
Mayor Knowles	Yea

Three yeas, two nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-39 VACATING AN UTILITY EASEMENT OVER LOT 11, BLOCK B OF HERITAGE COVE FOR PAULA R. JORDAN**

CC Richardson read the ordinance as follows, by title only:

An ordinance of the City of Leesburg, Florida, vacating a utility easement over a portion of Lot 11, Block B, of Heritage Cove, as recorded in Plat Book 24, Page 2, Public Records of Lake County, Florida, owned by Paula R. Jordan, said property generally located north of Bentley Road and west along Yorktown Drive, lying in Section 24, Township 19 south, Range 24 east, Lake County, Florida; and providing for an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

### **ADOPTED ORDINANCE 04-40 ACCEPTING THE DEED AND BILL OF SALE FROM MIDWAY BAPTIST CHURCH FOR INFRASTRUCTURE ON PROPERTY ON BLOSSOM LANE**

CC Richardson read the ordinance as follows, by title only:

An ordinance of the City of Leesburg, Florida, accepting a deed and bill of sale by and between Midway Baptist Church Leesburg, Florida, Inc., as grantor, and the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 25 east, Lake County, Florida; and providing an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Puckett seconded the motion.

Commissioner Perry stated he received several calls concerning this item. He requested an explanation of the fiscal impact. ESD Sharp stated this is a formality of transferring assets to the City. The City requested additional sewer laterals and a manhole installed to provide sewer service to additional 30 – 40 homes and avoid expansion later. The City will reimburse the church for the improvements it requested in the system. The church is giving the infrastructure to the City.

Don Lukich questioned what the cost to the City id to provide the service to the church. CM Stock stated the church paid the City to connect and put the system in place. The City is simply reimbursing the church for the requested improvements.

The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-41 ACCEPTING THE DEED AND BILL OF SALE FROM SOUTH LEESBURG BUSINESS CENTER PROPERTY OWNERS ASSOCIATION FOR PROPERTY ON FRONTAGE ROAD OFF US HWY 27 SOUTH**

CC Richardson read the ordinance as follows, by title only:

An ordinance of the City of Leesburg, Florida, accepting a deed and bill of sale by and between South Leesburg Business Center Property Owners Association, Inc., as grantor, and the City of Leesburg, as grantee, pertaining to land located in Section 14, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
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## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-42 REZONING APPROXIMATELY 29.8 ACRES ON US HWY 27 SOUTH, SOUTH OF COUNTY ROAD 48 FOR ZAPPALA, MUSCARELLA & ASSOCIATES**

CC Richardson read the ordinance as follows, by title only:

An ordinance of the City of Leesburg, Florida, rezoning approximately 29.8 acres generally located north and west of Legacy of Leesburg, south of County Road 48, and east of U.S. Highway 27, lying in Sections 13, 14, 23, and 24, Township 20 south, Range 24 east, Lake County, Florida, from R-3 (Moderate Density Residential) to C-3 (Highway Commercial); and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 04-43 AMENDING THE CITY CODE TO BAN COMMERCIAL SIGNS ON BENCHES, BUS STOP SHELTERS AND WASTE RECEPTACLES**

CC Richardson read the ordinance as follows, by title only:

An ordinance amending the portion of the Sign Code of the City of Leesburg, Florida, which lists prohibited signs, to prohibit signs other than commemorative or dedicatory plaques on benches, waste receptacles and bus stop shelters, whether on public rights of way or private property; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Lovell moved to approve the ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea

## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

Mayor Knowles

Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **INTRODUCED AN ORDINANCE RENAMING JORDAN STREET TO MINATEE LANE**

Commissioner Lovell introduced the ordinance to be read, by title only. CC Richardson read the ordinance by title, only as follows:

An ordinance renaming Jordan Street being an existing street shown on the plat of Lee's Subdivision the City of Leesburg as recorded in Plat Book 8, Page 102, Public Records of Lake County, Florida, and lying in Section 25, Township 19 south, Range 24 east; and providing an effective date.

Commissioner Lovell questioned why the street had been named Jordan. Community Development Director (CDD) Laura McElhanon stated no information had been located on why the street was named Jordan. She further noted there is only one address on the street.

Commissioner Perry requested the information be double checked and verified prior to the second reading of this ordinance.

### **INTRODUCED AN ORDINANCE AMENDING ORDINANCE 00-45 TO CORRECT A SCRIVENER'S ERROR IN THE LEGAL DESCRIPTION OF PROPERTY ANNEXED BY JOHN C. & ARLENE A. MALIK**

Commissioner Lovell introduced the ordinance to be read, by title only. CC Richardson read the ordinance by title, only as follows:

An ordinance of the City of Leesburg, Florida, amending Ordinance 00-45 which annexed and rezoned certain real property in Section 20, Township 19 south, Range 25 east, Lake County Florida, owned by John C. Malik and Arlene A. Malik, his wife, said property consisting of approximately 3.0 acres, to correct a scrivener's error in the legal description of the property being annexed; and providing an effective date.

### **INTRODUCED AN ORDINANCE VACATING TRACT A AND A PORTION OF NEWELL HILL ROAD IN JAMESTOWNE SUBDIVISION**

Commissioner Lovell introduced the ordinance to be read, by title only. CC Richardson read the ordinance by title, only as follows:

An ordinance of the City of Leesburg, Florida, vacating tract "A" and a portion of Newell Hill road in Jamestowne Subdivision, owned by Edward M. Schlein and Kay C. Schlein, for the purpose of replatting into Majestic Oaks Shores Subdivision, generally located on the north end of Newell Hill Road in Jamestowne subdivision, lying in Section 24, Township 19 south, Range 24 east, Lake County, Florida; and providing for an effective date.



## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

### **ADOPTED RESOLUTION 7157 REPEALING RESOLUTION NO. 6995 AND AUTHORIZING EXECUTION OF THE REVISED JOINT PLANNING AGREEMENT WITH LAKE COUNTY FOR PLANNING RELATED TO THE USE AND DENSITY OF LAND IN THE PLANNING AREA**

Commissioner Perry introduced the resolution to be read, by title only. CC Richardson read the resolution by title only, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, repealing Resolution No. 6995 and authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Lake County, Florida, for the purpose of providing for joint planning activities related to the use and density of land lying within a described area; and providing an effective date.

CDD McElhanon stated she distributed a corrected map prior to the meeting showing the corrected notification areas.

Greg Beliveau, resident of Banana Point Subdivision, stated he received a map from Lake County which indicates Banana Point Subdivision is not included in this JPA. He also requests Banana Point Subdivision be removed from the Master Utility Plan. CDD McElhanon noted Banana Point Subdivision is included in the JPA and the Utility Planning area.

Commissioner Perry questioned if Mr. Beliveau felt it would be mandated for Banana Point Subdivision residents to hook onto City utilities. Mr. Beliveau stated that is what he believes it to mean.

CA Morrison stated the JPA is not a blueprint for annexation. It doesn't state the City will annex the areas nor does it state the areas will be compelled to hook up to City utilities. It is simply a planning tool for the County and the City.

CA Morrison asked Greg Beliveau's occupation for the record. Mr. Beliveau stated he is a Land Development Planner.

Jeff Cherry, resident of Banana Point, stated he has a better level of comfort now after hearing what has been said.

CDD McElhanon stated this item is on the County Commission's agenda this month.

Commissioner Lovell moved to approve the resolution and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

## **MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING**

### **ADOPTED RESOLUTION 7158 ACCEPTING THE RECOMMENDATIONS FROM THE SUNNYSIDE TASK FORCE REGARDING DEVELOPMENT AND DENSITY IN THE SUNNYSIDE STUDY AREA**

Commissioner Lovell introduced the resolution to be read, by title only. CC Richardson read the resolution by title, only as follows:

A resolution of the City Commission of the City of Leesburg, Florida, accepting the recommendations from the Sunnyside Task Force regarding development and density in the Sunnyside Study area; and providing an effective date.

CDD McElhanon gave a brief presentation on how the Task Force developed the proposed plan.

Commissioner Lovell left the room at 7:16 p.m. and returned at 7:19 p.m.

Commissioner Perry stated he did not believe there will be any problem in lowering the density of an area. CA Morrison agreed stating as long as the governmental body allows for an economical use of the land and the density fits in with what is surrounding it.

Murray Tucker, member of the task force, stated the Task Force had 100% agreement on what to do on Sunnyside. He thanked the staff for their knowledge and talent. Mr. Tucker added that even though he agrees with this plan for Sunnyside, he does not want to see the property wholesaled into the City.

Commissioner Lovell moved to approve the resolution and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

**CITY ATTORNEY ITEMS: None**

#### **CITY MANAGER ITEMS:**

1. CM Stock stated Chief Idell received a high distinction on Saturday night by being named one of the five finalists for Florida League of Cities' Employee of the Year.
2. CM Stock requested FD Bill Pfeilsticker explain the interest rates received on the sale of the bonds. FD Pfeilsticker stated the City received excellent ratings on the bonds and bond insurance. The interest rates received on the sale of \$40 million bonds are between 2.75% – 5% on a sliding scale based on the maturity of the bonds. For bond insurance, the City received 3.21% for electric and 3.18% for utilities.

## MINUTES OF THE JUNE 28, 2004 CITY COMMISSION MEETING

3. CM Stock stated the Click to Gov program is now on-line. It allows customers to get information and make utility payments on-line. In June, 123 customers paid utilities on-line. This number is doubling each month.

4. CM Stock briefed everyone on the upcoming events.

6/29 9:30 a.m.	Dedication at Lone Oak Cemetery.
6/30 9:30 a.m.	Groundbreaking ceremony at The Crossings
7/4 7:30 p.m.	Ice Cream Social at Venetian Gardens
7/8 5:30 – 8 p.m.	School District Educational Family Fair
7/27-29	FMPA Conference (CM Stock noted the Commission Meeting on 7/26 is expected to be long due to two controversial issues.)
11/5 – 7	Leesburg Partnership Bike Octoberfest

### **ROLL CALL:**

Commissioner Lovell - none

Commissioner Perry - none

Commissioner Puckett - none

Commissioner Christian - requested information on where the paperless agenda project is at this time. CC Richardson stated plans are underway to have the program implemented in the near future.

Mayor Knowles - stated he will be on vacation for the next two weeks.

Commissioner Perry moved to recess the meeting and Commissioner Puckett seconded the motion. The meeting recessed into closed session at 7:37 p.m.

The meeting reconvened at 8:00 p.m. Commissioner Lovell moved to adjourn the meeting. Commissioner Perry seconded the motion and the meeting adjourned at 8:00 p.m.

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Mayor

Attest:

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City Clerk

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*Diane Gibson Smith*  
Recorder